

REMARKS

Claims 1-44, 147, 148 and 153 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Applicant would like to thank the Examiner for the courtesy extended during the personal interview conducted on January 23, 2007. During the interview, Applicant's representative and the Examiner discussed the rejection of claim 1 in view of Eden and the rejection of claim 3 under 35 U.S.C. § 112. Applicant clarified the structure of claim 3 with respect to FIG. 4A.

REJECTION UNDER 35 U.S.C. § 112

Claim 3 stands rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for failing to comply with the written description requirement. This rejection is respectfully traversed.

The Examiner alleges that "there are no drawings or disclosure of the second and third plane-like metal layers being coplanar." Applicant respectfully notes that as shown in an exemplary embodiment in FIG. 4A of the present application, a plane-like metal layer 124 includes a first layer 124-1 and a second layer 124-1. In other words, the plane-like metal layer 124 includes second and third plane-like metal layers that are coplanar. Applicant respectfully submits that claim 3 is definite.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 2, 4-6, 8-10, 24, 25, 27, 37, 38, 147, 148 and 153 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Eden et al. (U.S. Pat. Pub. No. US-2002/0076851). This rejection is respectfully traversed.

With respect to claim 1, Eden fails to show, teach, or suggest a fourth plane-like metal layer that includes first, second and third contact portions that communicate with said second plane-like metal layer, said first plane-like metal layer and said third plane-like metal layer, respectively, **wherein the first, second, and third contact portions are located at an exposed upper surface of the fourth plane-like metal layer.**

For anticipation to be present under 35 U.S.C §102(b), there must be no difference between the claimed invention and the reference disclosure as viewed by one skilled in the field of the invention. Scripps Clinic & Res. Found. V. Genentech, Inc., 18 USPQ.2d 1001 (Fed. Cir. 1991). All of the limitations of the claim must be inherent or expressly disclosed and must be arranged as in the claim. Constant v. Advanced Micro-Devices, Inc., 7 USPQ.2d 1057 (Fed. Cir. 1988). Here, Eden fails to disclose the limitation that the first, second, and third contact portions of the fourth plane-like metal layer are located at an exposed upper surface of the fourth plane-like metal layer.

As shown in an exemplary embodiment in FIG. 4A of the present application, a top plane-like metal layer 130 includes first, second, and third contact portions 130-1, 130-2, and 130-3, respectively. The contact portions are arranged to provide external signals to transistors 12 and 14, for example. Here, Vdd, Vx, and Vss communicate with the transistors 12 and 14 via an upper surface of the top plane-like metal layer 130,

where the contact portions are exposed. For example, FIG. 3 illustrates the contact portions in a plan view of the top plane-like metal layer 130. In other words, the first, second, and third contact portions 130-1, 130-2, and 130-3 are located at the exposed upper surface of the top (i.e. fourth) plane-like metal layer 130.

In contrast, Eden does not appear to disclose this structure. For example, the Examiner relies on FIG. 9 of Eden to disclose a fourth plane-like metal layer 114a. During the interview, the Examiner indicated that the portions of the alleged fourth plane-like metal layer 114a that are in contact with vias leading to other metal layers are “contact portions.” Applicant respectfully notes that even if these portions are interpreted as contact portions, FIG. 9 still fails to disclose that the alleged contact portions are located at an exposed upper surface of the layer 114a as claim 1 recites. For example, the upper surface of the layer 114a appears to be a single continuous and uniform region, and the alleged contact regions are located at a lower internal surface of the layer 114a. More specifically, the alleged contact portions are not located at an exposed upper surface of the layer 114a. As such, separate signals cannot be provided to the alleged contact portions as the structure of Applicant’s claim 1 allows.

Applicant respectfully submits that claim 1, as well as its dependent claims, should be allowable for at least the above reasons.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 7, 11-23, 26, 28-36, and 39-44 would be allowable if rewritten in independent form. Applicant thanks the Examiner for the allowable subject matter. Accordingly, Applicant has amended claims 7, 11-13, 15, 17, 22, 23, 28, 31, and

39 to include the limitations of the base claim and any intervening claims. Therefore, these claims should now be in condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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